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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,565

04/09/2004

Baoquan Zhang

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05/07/2008

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EXAMINER

NGUYEN, KHAI N

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

05/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/821,565</p>	<p>Applicant(s) ZHANG ET AL.</p>	
	<p>Examiner KHAI N. NGUYEN</p>	<p>Art Unit 2614</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614

Continuation of 11. Applicant's request for reconsideration filed on April 1, 2008 has been fully considered but they are not persuasive.

Regarding claims 2-3 and 15-16, Applicant argues that these "dependent claims incorporate the elements of their parent independent claims, which are clearly directed to patentable subject matter" (See page 9 of Applicant's Remarks section), the Examiner respectfully disagrees because claims 1-20 were rejected under 35 U.S.C. 101 for the claimed invention is directed to non-statutory subject matter. That is, even when accepting Applicant's arguments that the "dependent claims each add a recitation of applying processing logic does not change the fact that the claims are directed - - - their respective independent claims", the independent claims still rejected under 35 U.S.C. 101. Therefore, the rejection is proper and maintainable.

Regarding claims 1-20, Applicant argues that "the specification refers merely to SCP service logic, service logic can be implemented in the form of software does not mean claims 1-20 can be interpreted as software, and even the method claims can be interpreted as software-based functions they are still directed to statutory matter, as the claims recite input/output functions, directing a switch to set up a call" (See page 10 of Applicant's Remarks section).

The Examiner respectfully disagrees because the instant application's specification clearly cites that the SCP service logic may be implemented in software, and the SCP applied the service logic "software" to set up the call for pre-paid processing, directs the switch to set up the call, and so forth (See instant application specification page 10 lines 19-23 through page 11 lines 1-4). The method claims 1-20 are merely recited the service logic functions which can be implemented in software. Therefore, these method claims 1-20 must be considered as a whole and can be interpreted as software claims which are non-statutory. Therefore, the rejection is proper and maintainable.

Regarding the Art Rejections for claims 1-2, 4-8, 11-15, 17-25, and specifically independent claims 1, 14, and 21, Applicant argues that McConnell (U.S. 6,373,930) does not "teach use of a service code as an indication that call set up has already occurred to a service node" (See Applicant's Remarks page 11 lines 8-9). In response to Applicant's argument, the Examiner respectfully disagrees because McConnell clearly discloses the use of a service code as an indication that call set up signaling has already occurred to a service node (See McConnell's Abstract lines 4-10, i.e., returns to the switch a special service code, which causes the switch to route the call via a special looparound - - -, and a signaling path associated with the looparound - - -). Therefore, the art rejection of claims 1-2, 4-8, 11-15, and 17-25 is proper and maintainable.